

REMARKS

The Section 112 Rejections

Claims 39-52 were rejected under 35 U.S.C. §112, second paragraph. In essence, the Examiner requested that Applicants correct the formatting of claims 39-52 in order to make clear that these claims are directed at an apparatus. As suggested by the Examiner, Applicants have amended claims 39-43 in order to clarify that these claims are directed toward an apparatus known as an “access terminal.” Applicants respectfully submit that the revisions to claims 39-43 satisfy the Examiner’s rejection (i.e., no revisions to claims 44-52 are needed).

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 39-52.

The Section 102 Rejections

Claims 1-12, 39-50 and 52 were rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 5,982,748 to Yin et al. (“Yin”).

Applicants respectfully disagree and traverse this rejection for at least the following reasons.

Each of the claims of the present invention requires the assignment of an overbooking factor to each of a plurality of service classes such that each service class is assigned a different overbooking factor. It is respectfully submitted that Yin does not disclose or suggest such assignments.

While Yin appears to disclose allocation factors for service levels, and these factors appear to allow overbooking (or oversubscribing), Yin does not disclose or suggest that each class of service is assigned a different overbooking factor. Said another way, Yin appears to disclose that each service class could be assigned the same allocation factor/overbooking factor (see, for example, column 7, line 45, "A service class is over-subscribed when $f(i)>1$, ...").

Because Yin does not disclose or suggest assignment of overbooking factors to each service class such that each service class is assigned different overbooking factors, it cannot anticipate the claims of the present invention.

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1-12, 39-50 and 52.

The Section 103 Rejections

Claims 13 and 51 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yin in further view of U.S. Patent No. 6,608,815 to Huang et

al. (“Huang”). Applicants respectfully disagree and traverse this rejection for at least the following reasons.

Initially, it is noted that claim 13 depends from claim 1 and claim 51 depends from claim 39. In addition, it is noted that Huang does not make up for the deficiencies of Yin discussed above with respect to amended claims 1 and 39.

Accordingly, Applicants respectfully submit that claims 13 and 51 are patentable over a combination of Yin and Huang for the reasons set forth above with respect to claims 1 and 39.

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 13 and 51.

In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact John E. Curtin at 703-668-8046 to discuss this application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

HARNESS, Dickey & PIERCE, PLC

By

John E. Curtin, Reg. No. 37,602
P.O. Box 8910
Reston, VA 20195
(703) 668-8000

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